

Senate File 2275

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1 3 AN ACT
1 4 RELATING TO CRIMINAL SENTENCING PRACTICE AND PROCEDURE.
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1 6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 8 Section 1. Section 902.12, unnumbered paragraph 1, Code
1 9 Supplement 2003, is amended to read as follows:
1 10 A person serving a sentence for conviction of the following
1 11 felonies, including a person serving a sentence for conviction
1 12 of the following felonies prior to July 1, 2003, shall be
1 13 denied parole or work release unless the person has served at
1 14 least seven-tenths of the maximum term of the person's
1 15 sentence:
1 16 Sec. 2. Section 906.15, unnumbered paragraph 1, Code 2003,
1 17 is amended to read as follows:
1 18 Unless sooner discharged, a person released on parole shall
1 19 be discharged when the person's term of parole equals the
1 20 period of imprisonment specified in the person's sentence,
1 21 less all time served in confinement. Discharge from parole
1 22 may be granted prior to such time, when an early discharge is
1 23 appropriate. The board shall periodically review all paroles,
1 24 and when the board determines that any person on parole is
1 25 able and willing to fulfill the obligations of a law-abiding
1 26 citizen without further supervision, the board shall discharge
1 27 the person from parole. A parole officer shall periodically
1 28 review all paroles assigned to the parole officer, and when
1 29 the parole officer determines that any person assigned to the
1 30 officer is able and willing to fulfill the obligations of a
1 31 law-abiding citizen without further supervision, the officer
1 32 may discharge the person from parole after notification and
1 33 approval of the district director and notification of the
1 34 board of parole. In any event, discharge from parole shall
1 35 terminate the person's sentence. However, a person convicted
2 1 of a violation of section 709.3, 709.4 or 709.8 committed on
2 2 or with a child, or a person serving a sentence under section
2 3 902.12, shall not be discharged from parole until the person's
2 4 term of parole equals the period of imprisonment specified in
2 5 the person's sentence, less all time served in confinement.
2 6 Sec. 3. Section 915.13, subsection 1, paragraph h, Code
2 7 Supplement 2003, is amended by striking the paragraph.
2 8 Sec. 4. Section 915.14, Code Supplement 2003, is amended
2 9 to read as follows:
2 10 915.14 NOTIFICATION BY CLERK OF THE DISTRICT COURT.
2 11 The clerk of the district court shall notify a registered
2 12 victim of all dispositional orders of the case in which the
2 13 victim was involved and may advise the victim of any other
2 14 orders regarding custody or confinement. ~~If a motion to~~
~~2 15 reopen the sentence has been filed pursuant to section 901.5B,~~
~~2 16 the clerk of the district court shall notify a registered~~
~~2 17 victim of the case in which the victim was involved. The~~
~~2 18 notice shall include the scheduled date, time, and place of~~
~~2 19 the hearing, and the clerk shall notify the victim of a~~
~~2 20 cancellation or postponement of any hearing regarding the~~
~~2 21 motion to reopen.~~
2 22 Sec. 5. Section 901.5B, Code Supplement 2003, is repealed.
2 23 Sec. 6. CONTROLLED SUBSTANCE PENALTY STUDY. The Iowa
2 24 state bar association is requested to establish and lead a
2 25 study committee to review the disparity of criminal penalties
2 26 related to crack cocaine, cocaine, and other controlled
2 27 substances, especially such criminal penalties classified as
2 28 serious and aggravated misdemeanors and class "C" and "D"
2 29 felonies. The members of the study committee shall include
2 30 but are not limited to representatives of the Iowa state bar
2 31 association, the attorney general, the county attorneys
2 32 association, the state public defender, the department of
2 33 corrections, the judicial district department of correctional
2 34 services, and the criminal law section of the Iowa trial
2 35 lawyers association. The study committee is requested to file
3 1 recommendations with the general assembly by December 15,
3 2 2004.
3 3 Sec. 7. CRIMINAL CODE REVISIONS == STUDY. The legislative
3 4 council is requested to establish an interim study committee
3 5 to review and propose revisions to the criminal code. In

3 6 establishing the committee, the legislative council is
3 7 requested to consider proposals for the study by the Iowa
3 8 state bar association and other appropriate agencies or
3 9 organizations. Proposals submitted to the legislative council
3 10 may address committee membership, member voting, committee
3 11 rules, the process to be used for reviewing and revising the
3 12 criminal code and other pertinent matters.

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3 17 JEFFREY M. LAMBERTI
3 18 President of the Senate

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3 20 _____
3 21 CHRISTOPHER C. RANTS
3 22 Speaker of the House

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3 24 I hereby certify that this bill originated in the Senate and
3 25 is known as Senate File 2275, Eightieth General Assembly.

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3 28 _____
3 29 MICHAEL E. MARSHALL
3 30 Secretary of the Senate

3 31 Approved _____, 2004

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3 36 THOMAS J. VILSACK

4 1 Governor